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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,833	02/06/2002	Andrew L. Norrell	PA1599US	3740
7590	05/15/2008		EXAMINER	
Jim H. Salter Blakely, Sokoloff, Taylor, and Zafman LLP 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025			ART UNIT	PAPER NUMBER

DATE MAILED: 05/15/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

## DETAILED ACTION

### NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR 41.37(c)

1. The appeal brief filed on Dec 21, 2007 is defective because it did not fully comply with 37 CFR 41.37(c ).

37 CFR § 41.37(c) states in part:

(v) *Summary of claimed subject matter.* A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

(vi) *Grounds of rejection to be reviewed on appeal.* A concise statement of each ground of rejection presented for review.

(vii) *Argument.* The contentions of appellant with respect to each ground of rejection presented for review in paragraph (c)(1)(vi) of this section, and the basis therefor, with citations of the statutes, regulations, authorities, and parts of the record relied on. Any arguments or authorities not included in the brief or a reply brief filed pursuant to § 41.41 will be refused consideration by the Board, unless good cause is shown. Each ground of rejection must be treated under a separate heading. For each ground of rejection applying to two or more claims, the claims may be argued separately or as a group. When multiple claims subject to the same ground of rejection are argued as a group by appellant, the Board may select a single claim from the group of claims that are argued together to decide the appeal with respect to the group of claims as to the ground of rejection on the basis of the selected claim alone. Notwithstanding any other provision of this paragraph, the failure of appellant to separately argue claims which appellant has grouped together shall constitute a waiver of any argument that the Board must consider the patentability of any grouped claim separately. Any claim argued separately should be placed under a subheading identifying the claim by number. Claims argued as a group should be placed under a subheading identifying the claims by number. A statement which merely points out what a claim recites will not be considered an argument for separate patentability of the claim.

(viii) *Claims appendix*. An appendix containing a copy of the claims involved in the appeal.

2. A review of the appeal brief filed on Dec 21, 2007 indicates that the Appeal brief has not fully complied with 37 CFR 41.37(c). The following errors are noted:

- 1) Remove the cover sheet of the Appeal brief; the contents of this letter have already been included in Section II: Related Appeal and Interferences.
- 2) Replace the word "Applicant" with "Appellant" through the Appeal brief including Section II and Section VII (p. 36).
- 3) Since claims 1-30 and 44-49 are the subject of the appeal, the status of claims 11-17 and 27-30 must be provided in Section III.
- 4) Delete lines #1-2 of page # 5 starting with "A copy of ...Appendix".
- 5) Delete the summary of Claims 31-43 provide in Section V. "Summary of Claimed Subject Matter", as these claims are not the subject matter of the appeal.
- 6) In line # 1, page 10 of Section VII. Argument", change " the claims" to "the appealed claims".
- 7) Delete claims 31-43 from Section VIII. "Claims Appendix", as these claims are not the appealed claims.

3. A supplemental appeal brief in compliance with 37 CFR § 41.37 is required.

4. To avoid dismissal of the appeal, appellant must ratify the appeal brief within ONE MONTH or THIRTY DAYS from the mailing of this communication, whichever is longer. Extensions of time may be granted under 37 CFR 1.136.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (571) 272-7529. The examiner can normally be reached on M-TH (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Ramnandan Singh/  
Primary Examiner  
Art Unit 2614